

SIXTEENTH DAY—Continued.

Senate Chamber,
Austin, Texas,
February 24, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 100.

The question recurs on H. B. No. 100, pending at recess on yesterday, on second reading:

H. B. No. 100, A bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal Census for the year 1930; and defining from what fund such salaries shall be paid, and declaring an emergency."

The following committee amendments were adopted by unanimous consent:

Committee Amendment No. 1.

Amend H. B. No. 100 by adding the following provision just preceding the last sentence on page 2: "and in counties having a population of not less than 34,100 nor more than 34,500, each county commissioner shall receive twenty-one hundred (\$2,100.00) dollars per year, payable in twelve equal monthly installments."

Committee Amendment No. 2.

Amend caption to H. B. No. 100 by adding between the figures (10,510) and the word "according" the following: "and in counties having a population of not less than thirty-four thousand one hundred (34,100) and not more than thirty-four thousand five hundred (34,500)."

Committee Amendment No. 3.

Add after the figures "(10,510)" and before the word "according" in the third from the last line in the caption the following: "and in counties having a population of not less than 19,155 and not more than 19,160, and not less than 19,175, and not more than 19,180."

And add after Committee Amend-

ment No. 2 and just preceding the last sentence on page 2, the following: "And in counties having a population of not less than 19,155 and not more than 19,160, and not less than 19,175 and not more than 19,180, according to the last Federal Census, each county commissioner shall receive an annual salary of \$1,500.00 (fifteen hundred dollars) payable in twelve (12) equal monthly installments."

Committee Amendment No. 4.

Amend H. B. No. 100 by adding another section to be known as Section No. 1A:

"Section 1A. That the salaries and compensation of the county commissioners in counties with a population of not less than 48,500 nor more than 49,000 according to the last Federal Census shall be eighteen hundred (\$1,800.00) dollars per annum, payable in equal monthly installments of one hundred fifty (\$150.00) dollars per month. That not to exceed three-fourths ($\frac{3}{4}$) of said salaries may be paid out of the road and bridge fund, and that the remainder thereof shall be paid out of the general fund of the county."

Committee Amendment No. 5.

Amend H. B. No. 100 by adding thereto just preceding the last line in Section 1, the following: "In all counties of this State, having a population according to the United States Census of 1930, of not less than five thousand two hundred and twenty-five (5,225) nor more than five thousand three hundred and seventy-five (5,375), each county commissioner shall receive \$5.00 per day for each day served as commissioner and when acting as ex-officio road superintendent in his precinct not to exceed nine hundred (\$900.00) dollars in any year."

Committee Amendment No. 6.

Amend caption of H. B. No. 100 by adding thereto just preceding the last clause the following: "and providing further that in all counties of this State, having a population according to the United States Census of 1930, of not less than five thousand two hundred and twenty-five (5,225) nor more than five thousand three hundred and seventy-five

(5,375), each county commissioner shall receive \$5.00 per day for each day served as commissioner and when acting as ex-officio road superintendent in his precinct not to exceed nine hundred (\$900.00) dollars in any year."

Senator Parr sent up the following amendment:

Amend H. B. No. 100 by adding: "And in counties having a population of not less than 42,150 and not more than 42,200, according to the last Federal Census, each county commissioner shall receive \$2,400.00 per year, payable in twelve equal monthly installments."

PARR.

The amendment was adopted.

Senator Martin sent up the following amendment.

Amend H. B. No. 100 by adding another section thereto as follows:

"In all counties of a population of not less than 43,000, and not more than 43,050 the salaries of the county commissioners shall be \$2,000.00 per year and paid in twelve monthly payments."

MARTIN.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 100 by adding another section to be known as Section No. 1B, to read as follows:

"Section 1B. That the salaries and compensation of county commissioners in counties having a population of not less than twenty-nine thousand six hundred and eighty (29,680), nor more than twenty-nine thousand six hundred and eighty-five (29,685), according to the last Federal Census, shall be twenty-four hundred dollars (\$2,400.00) per annum payable in equal monthly installments of two hundred dollars (\$200.00) per month. That not to exceed three-fourths of said salaries may be paid out of the road and bridge fund and that a remainder thereof shall be paid out of the general fund of such county."

HOLBROOK.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend H. B. No. 100 by adding the following provision immediately before last sentence on page 2: "and

in counties having a population of not less than 49,500 and not more than 50,500. Each county commissioner shall receive twenty-two hundred (\$2,200.00) dollars per year, payable in twelve equal monthly installments."

SANDERFORD.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

"Amend caption to conform to body of bill."

SANDERFORD.

On motion of Senator Greer the bill was laid on the table subject to call.

House Bill No. 125.

Senator DeBerry moved to take up and consider at this time H. B. No. 125.

The motion prevailed by the following vote:

Yeas—24.

Blackert.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—2.

Collie.	Duggan.
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Absent.

Hopkins.	Small.
Moore.	

Absent—Excused.

Beck.	Greer.
Fellbaum.	

The Chair laid before the Senate the following bill:

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs,

and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

Senator DeBerry moved to lay the bill on the table subject to call.

The motion prevailed.

Senate Simple Resolution No. 23.

Senator Woodul sent up the following resolution:

Whereas, Mr. Roy Causey, a representative of the Texas Grand Opera Association, which represented Texas at the World's Fair, is within the Bar of the Senate and has an important announcement.

THEREFORE, BE IT RESOLVED, By the Senate of Texas, That he be invited to address the Senate and be accorded the privileges of the floor.

WOODUL.

The resolution was adopted.

The Chair appointed Senator Woodul to escort the visitor to the platform and introduce him to the Senate.

Senator Woodul introduced Mr. Causey, who briefly addressed the Senate.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 88, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas, with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; etc."

H. B. No. 101, A bill to be entitled "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing suitable penalty, and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary of McMullen County; requiring that land within such area hereafter relinquished be not again leased or otherwise disposed of; permitting the holders of leases in such areas to relinquish them; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; and amending Article 3902 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; providing for the fees of office that may be retained by certain precinct officers in certain counties; providing for salaries that may be paid certain assistants to certain officers in certain counties; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 96, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following have been appointed on the part of the House:

Representatives Long, Nicholson, Stanfield, Harris, Latham.

The House has granted the re-

quest of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 13. The following are conferees on the part of the House:

Representatives Reed of Dallas, Aikin, Head, Parkhouse, and Hughes.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Free Conference Committee.

On motion of Senator Redditt, the Senate granted the request of the House for the appointment of a conference committee on H. B. No. 96, and the Chair appointed the following Members on the part of the Senate:

Senators Redditt, Woodward, Small, Pace, and Woodul.

Report of Free Conference Committee.

Committee Room,
Austin, Texas, Feb. 24, 1934.
Hon. Coke R. Stevenson, Speaker of the House of Representatives;
Hon. Edgar E. Witt, President of the Senate.

Sirs: We, your Conference Committee, appointed to consider the differences in H. B. No. 96, have had same under consideration, and beg leave to make the attached report and recommend its adoption.

REDDITT,
WOODWARD,
SMALL,
PACE,
WOODUL,

On the part of the Senate.

LONG,
HARRIS,
STANFIELD,
NICHOLSON,
LATHAM,

On the part of the House.

By Long. H. B. No. 96.

A BILL

To be entitled

An Act to amend Section 9 of Article 1112-b of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, by providing for punishment by fine not exceeding five hundred dol-

lars (\$500.00), or imprisonment in the county jail not exceeding six (6) months, or both such fine and imprisonment, of any person who shall violate any of the provisions of Sections 5, 5a or 5b of the Acts of the Forty-third Legislature, or any rule or order duly adopted and promulgated by the governmental agency under the terms of the Act of the Regular Session, being Chapter 165, page 422, and making it a felony, by punishment in the state penitentiary for not less than two (2) nor more than four (4) years, for any person to violate any of the other provisions of this Act, or who shall fail to comply with the terms of any rule, regulation or order adopted and promulgated by the governmental agency under the provisions of said Act; making the president of any corporation, the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust, criminally responsible for the failure to comply with the terms of said Act, or for the violation of any of the terms or provisions thereof, or any rule or order duly adopted and promulgated by the said governmental agency under the terms of said Act, declaring it to be the legislative intent to enact each separate provision independent of the other provisions, and if any clause, sentence or part of said Act shall be declared unconstitutional, the same shall not affect any other clause, sentence or part of same, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 9 of Article 1112-b of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, be amended so as to hereafter read as follows:

"Section 9. Any person who shall violate any of the provisions of Section 5, 5a or 5b of this Act, or any person who shall fail to comply with any of the provisions of said sections of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine or not exceeding five hundred

dollars (\$500.00), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. Any person who shall violate any other of the provisions of this Act, or any person who shall fail to comply with either of the other terms of this Act, or any person who shall fail to comply with the terms of any rule, regulation or order adopted and promulgated by the governmental agency under the terms of this Act, or any person who shall violate either of the rules, regulations or orders of such governmental agency adopted under the provisions of this Act, shall upon conviction be deemed guilty of a felony, and upon conviction shall be punished by confinement in the state penitentiary for a term of not less than two (2) nor more than four (4) years.

"The president of each corporation, the chief managing executive of each association, all active members of each firm and partnership, and all trustees of each trust subject to the provisions of this Act shall be responsible for the compliance with the terms of this Act by the corporation, association, firm, partnership or trust of which he is, respectively, president, chief managing executive, member or trustee, and such responsible person shall be liable to prosecution under and subject to the criminal penalties provided by this Act for all violations thereof by the respective corporation, association, firm, partnership or trust of which he has actual knowledge or to which he assents."

Sec. 2. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any clause, sentence or part of this Act shall be declared unconstitutional shall in no event effect any other clause, sentence or part hereof.

Sec. 3. The fact that the laws of this State are now inadequate to provide for an accurate check of the amount of oil and gas being produced within this State, and the fact that a great many landowners of this State are being defrauded of their proper royalty interest in oil and gas being produced, and the fact that by reason of the inadequacy of existing laws, the State of Texas is being defrauded of a vast

amount of revenue being derived under the gross production tax laws of the State of Texas, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its final passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Beck.

Fellbaum.

Bills Referred.

H. B. No. 88, referred to the Committee on Agriculture.

H. B. No. 101, referred to the Committee on Game, Fish and Oysters.

H. B. No. 144, referred to the Committee on Counties and County Boundaries.

H. B. No. 136, referred to the Committee on Public Lands and Land Office.

House Bill No. 52.

Senator Holbrook moved to take up and consider at this time H. B. No. 52.

The motion was lost by the following vote:

Yeas—17.

Cousins.	Hopkins.
Duggan.	Hornsby.
Holbrook.	Martin.

Neal.	Regan.
Oneal.	Russek.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.
Redditt.	

Nays—11.

Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Greer.	Sanderford.
Moore.	Woodruff.
Murphy.	

Absent.

Small.

Absent—Excused.

Beck. Fellbaum.

Senate Bill No. 23.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 23, A bill to be entitled "An Act amending Section 7, of Chapter 13 of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto subdivision (o) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rate and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by the commissioners' court before refunding, and declaring an emergency."

Senator Woodward sent up the following amendment:

Amend Senate Bill No. 23 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Section 7 of Chapter 13 of the Third Called Session

of the Forty-second Legislature as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by its commissioners' court before refunding; and declaring an emergency.

The amendment was adopted.

Senator Woodward sent up the following amendment:

Amend Senate Bill No. 23 by striking out Sections 1 and 2 and inserting in lieu thereof the following:

Section 1. That Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, be and the same is hereby amended by adding thereto Section (a-1) reading as follows:

Section 7 (a-1). When the county commissioners' court of any county in this State shall exercise the authority now conferred by law and shall refund any eligible debt of the county or of any defined road district in such county wherein the interest rate provided for in such refunding obligations shall be less than the interest rate on the obligations so refunded, and the holders of the bonds or obligations so refunded agree to accept such refunding bonds at such lower rate of interest in lieu of the bonds or obligations so refunded, or if the holders of such eligible indebtedness shall agree to accept payment of a lower rate of interest on such indebtedness without a refunding thereof, in either of such events the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same rate and in

the same amount that it would have paid on such indebtedness under the rates and maturities on such indebtedness before the same was refunded or the interest thereon was reduced as hereinbefore provided; provided, however, that the written consent and approval of the Board of County and District Road Indebtedness shall first be obtained by the county commissioners' court of such county. The intent and purpose of this Act is that any saving of interest effected on any eligible debt of any county or any defined road district in any refunding or interest reduction operation shall inure to the benefit of such county or defined district.

Sec. 2. The fact that the present law does not provide for the saving of interest to counties and defined road districts by means of refunding operations, and that counties and road districts now in financial distress by the use of funds now granted to them by law will be enabled to refund their eligible debts and bring the same out of default by reason of the authority herein granted to the Board of County and District Road Indebtedness, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage and approval, and it is so enacted.

WOODWARD.

The amendment was adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 23, by adding thereto an amendment of Subsection A, of Section 7, of Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as follows:

Section 7 (a). All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on or after January 1, 1933, and insofar as the amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or that theretofore constituted a part of said system and which has either been

changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by the refunding obligations or both; and all bonds, warrants or other evidences of indebtedness which have been issued and sold since September 17, 1932, or which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State Highway pursuant to a contract existing on or before September 1, 1932, between the State Highway Department and any such county or district, shall be eligible to participate as of January 1, 1933, in the distribution of moneys coming into said county and road district highway fund subject to the provisions of this Act, less, however, the amount of the sinking fund which was required to be accumulated in such funds of the respective counties and districts.

It being expressly provided in this connection that the term "sinking funds" required shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or road district above the legal requirements. The sinking fund requirement on all eligible issues whose bonds mature at one time, regardless of optional dates, shall be computed on a straight line method and the sinking fund requirements on all eligible issues whose bonds mature serially shall be computed on the constitutional two per cent (2%) annual basis. The amount of State participation in the interest maturing shall be reduced to conform with the amount of bonds in which the State is eligible to participate. The amount of the eligible indebtedness is to be determined as hereinafter provided.

In the event the State Highway Commission has on a date prior to September 17, 1932, indicated its intention of designating as State Highways, the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply.

If any county or road district refuses or fails to pay its required portion of any maturity within twelve

(12) months after date of maturity, then the amount which the State is eligible to pay on that maturity, shall be withdrawn, and the county or road district shall be required to pay the full maturity, and without State participation.

The determination of the board of county and district road indebtedness, as provided for in this Act, shall be final and conclusive and shall not be subject to review in any other tribunal, and the board shall not consider any application for participation in the county and road district highway fund, filed after thirty (30) days from the effective date of this Act.

Sec. 2. The fact that the present law covering the subject matter of this Act, is inadequate, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in both Houses, be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

MARTIN.

The amendment was adopted.

Senator Woodruff offered the following amendment:

Amend S. B. No. 23, by adding a new section as follows:

"Section 7 (b). It is expressly provided that when any such bond issues shall be refunded so as to reduce the amount of principal or rate of interest the State's commitments as to any such issue shall be reduced in an equal amount, and the board of county and road district indebtedness shall not pay on said refunded debt an amount in excess of the refunded amount of such debt."

WOODRUFF.

Pending.

Recess.

On motion of Senator Moore, the Senate at 12:12 o'clock p. m., recessed until 2 o'clock p. m., today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 23.

The question recurs on the Woodruff amendment to S. B. No. 23.

Point of Order.

Senator Purl raised the point of order that there was no quorum present.

A quorum was shown to be present by the following roll call:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Fellbaum.
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Senator Parr moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—14.

Blackert.	Patton.
Collie.	Purl.
Cousins.	Redditt.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Woodul.
Parr.	Woodward.

Nays—10.

DeBerry.	Poage.
Holbrook.	Rawlings.
Moore.	Regan.
Murphy.	Stone.
Pace.	Woodruff.

Absent.

Duggan.	Oneal.
Martin.	Small.
Neal.	

Absent—Excused.

Beck.	Fellbaum.
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Senator Holbrook moved to postpone the bill indefinitely.

The motion to postpone was lost by the following vote:

Yeas—10.

DeBerry.	Poage.
Holbrook.	Rawlings.
Moore.	Regan.
Murphy.	Stone.
Pace.	Woodruff.

Nays—14.

Blackert.	Patton.
Collie.	Purl.
Cousins.	Redditt.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Woodul.
Parr.	Woodward.

Absent.

Duggan.	Oneal.
Martin.	Small.
Neal.	

Absent—Excused.

Beck.	Fellbaum.
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The bill was read second time and passed to engrossment by the following vote:

Yeas—14.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Redditt.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Woodul.
Martin.	Woodward.

Nays—11.

DeBerry.	Purl.
Holbrook.	Rawlings.
Moore.	Regan.
Murphy.	Stone.
Pace.	Woodruff.
Poage.	

Absent.

Duggan.	Oneal.
Neal.	Small.

Absent—Excused.

Beck.	Fellbaum.
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Senator Parr moved to suspend the constitutional rule requiring bills to be read on three several days.

The motion was lost by the following vote:

Yeas—17.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Purl.
Greer.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodul.
Moore.	Woodward.
Pace.	

Nays—7.

DeBerry.	Rawlings.
Holbrook.	Regan.
Murphy.	Woodruff.
Poage.	

Absent.

Duggan.	Russek.
Neal.	Small.
Oneal.	

Absent—Excused.

Beck.	Fellbaum.
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Point of Personal Privilege.

Senator Purl rose to a point of personal privilege and addressed the Senate.

Senator Moore rose to a point of personal privilege and addressed the Senate.

Messages From the House.

Hall of the House of Representatives.

Austin, Texas, Feb. 24, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 8, A bill to be entitled "An Act to amend Article 2529 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-third Legislature, 1933, page 840, Chapter 240; as amended by Acts of the Forty-third Legislature, 1933, page 854, Chapter 244; and as amended by Acts of the Forty-third Legislature, 1933, First Called Session, page 215, Chapter 80, Section 1; providing qualifications for State depositories; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted the Free Conference
Committee Report on H. B. No. 96,
by a vote of 109 yeas and 12 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

S. B. No. 76, A bill to be entitled
"An Act amending Article 2676 of
the Revised Civil Statutes of Texas,
1925, as amended by Chapter 34,
Acts, Third Called Session, Forty-
second Legislature, and declaring an
emergency."

(With amendment.)
Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor
Edgar E. Witt, gave notice of sign-
ing, and did sign, in the presence of
the Senate, after their captions had
been read, the following bills:

H. B. No. 157.
H. B. No. 110.

Senate Bill No. 76.

On motion of Senator Poage, the
Senate concurred in the House
amendments to S. B. No. 76 by the
following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Senate Bill No. 8.

On motion of Senator Purl, the
Senate concurred in the House
amendments to S. B. No. 8 by the
following vote:

Yeas—28.

Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Present—Not Voting.

Collie.

Absent—Excused.

Beck. Fellbaum.

Free Conference Report.

Committee Room,
Austin, Texas, Feb. 24, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Hon. Coke R. Stevenson, Speaker of
the House of Representatives.

Sirs: We, your Free Conference
Committee, appointed to adjust the
differences between the House and
Senate on S. B. No. 13, beg leave to
submit the following report:

We have had S. B. No. 13 under
consideration and recommend the
adoption of the attached bill as re-
written by your Free Conference
Committee.

PURL,
PACE,
RUSSEK,
GREER,
MOORE,

On the part of the Senate.
REED,
of Dallas.

AIKIN,
PARKHOUSE,
HUGHES,
HEAD,

On the part of the House.

By Purl.

S. B. No. 13.

A BILL

To be entitled

An Act to amend Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legislature at the regular session so as to provide that the counties affected thereby shall be granted reimbursement for high school tuition and transportation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legislature at the Regular Session be amended so as to hereafter read as follows:

"Section 17. (Equalization Fund). Any county in this State that has a special equalization fund derived from State and county available funds and which contributes to the said funds for the benefit of its rural schools out of its own funds as much as forty thousand dollars (\$40,000.00) per annum, shall receive from the appropriation herein provided, fifteen thousand dollars (\$15,000.00) for each year of the biennium to supplement the equalization fund thereof for all purposes, without inspections being made by the State Department of Education, provided, such counties, in addition to such State aid, shall be granted reimbursement for high school tuition and transportation."

Sec. 2. The crowded condition of the calendar and the shortness of the present session creates an emergency and an imperative public necessity that the constitutional rule requiring that all bills be read on three several days in each House be suspended and the said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted by the following vote:

Yeas—28.

Blackert.	Hornsby.
Cousins.	Martin.
DeBerry.	Moore.
Duggan.	Murphy.
Greer.	Neal.
Holbrook.	Oneal.
Hopkins.	Pace.

Parr.

Patton.

Poage.

Purl.

Rawlings.

Redditt.

Regan.

Russek.

Sanderford.

Small.

Stone.

Woodruff.

Woodul.

Woodward.

Present—Not Voting.

Collie.

Absent—Excused.

Beck.

Fellbaum.

Senate Bill No. 68.

Senator Sanderford moved to take up out of its regular order S. B. No. 68.

Senator DeBerry made a substitute motion to rerefer the bill to the committee.

The motion to rerefer was lost.

The question recurs on the motion to take up S. B. No. 68.

Motion to Adjourn.

Senator Redditt moved to adjourn until 10 o'clock a. m., Monday. The motion was lost by the following vote:

Yeas—7.

Cousins.
DeBerry.
Holbrook.
Hopkins.

Pace.
Poage.
Redditt.

Nays—18.

Collie.
Duggan.
Hornsby.
Martin.
Moore.
Murphy.
Oneal.
Parr.
Patton.

Purl.
Rawlings.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent.

Blackert.
Greer.

Neal.
Woodward.

Absent—Excused.

Beck.

Fellbaum.

Previous Question.

Senator Collie moved the previous question on the motion of Senator Sanderford to take up at this time S. B. No. 68.

The previous question was ordered.

Point of Order.

Senator Sanderford raised the point of order that the Senator from McLennan's time had expired.

The Chair sustained the point of order.

The question recurs on the motion of Senator Sanderford to take up S. B. No. 68.

The motion prevailed by the following vote:

Yeas—18.

Cousins.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.

Nays—8.

Collie.	Poage.
DeBerry.	Purl.
Murphy.	Regan.
Oneal.	Woodruff.

Absent—Excused.

Beck.	Redditt.
Blackert.	Woodward.
Fellbaum.	

S. C. R. No. 28.

Senator Rawlings sent up the following resolution:

Whereas, The Texas National Bank of Fort Worth, Texas, a National Banking Corporation was suspended by the Comptroller of the Currency on or about January 30, 1930, and is now being liquidated by a receiver; and

Whereas, Prior to the closing of said bank, its officers had deposited with the State Treasurer of the State of Texas, certain collateral to secure the deposit of the State of Texas in said bank; and

Whereas, Since the closing of said bank, the depositors have claimed that said collateral belonged to the assets of said bank rightfully and not to the State of Texas; and

Whereas, The Supreme Court of the United States has in similar cases

held that the contract under which such securities were deposited with the State Treasurer is null and void, and that such securities in fact belong to the assets of such failed bank; and

Whereas, It is proper that the depositors of said bank claiming such securities should have the right to a judicial determination of the title thereto as against the State of Texas;

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That the consent and permission of the State of Texas be and the same are hereby granted to the said depositors, their heirs and assigns, and to the Receiver of the Texas National Bank or his successor in interest, or other representative of the depositors of said bank to institute and prosecute in any court of competent jurisdiction an action or suit to recover the said securities or the value thereof from the State of Texas.

Senator Excused.

On motion of Senator Woodruff, Senator Woodward was excused for the balance of the day on account of important business.

Senate Bill No. 68.

Senator Pace moved to reconsider the vote by which the Senate took up S. B. No. 68.

Senator Sanderford moved to table the motion of Senator Pace.

The motion to table prevailed by the following vote:

Yeas—15.

Cousins.	Parr.
Duggan.	Patton.
Greer.	Rawlings.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Neal.	

Nays—12.

Collie.	Poage.
DeBerry.	Purl.
Hopkins.	Redditt.
Murphy.	Regan.
Oneal.	Russek.
Pace.	Woodruff.

Absent.

Blackert.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Previous Question.

Senator Patton moved the previous question on the engrossment of the bill and the committee amendments.

The previous question was ordered by the following vote:

Yeas—13.

Duggan.

Rawlings.

Holbrook.

Regan.

Hopkins.

Russek.

Hornsby.

Sanderford.

Martin.

Small.

Parr.

Stone.

Patton.

Nays—12.

Collie.

Oneal.

Cousins.

Pace.

DeBerry.

Poage.

Greer.

Purl.

Moore.

Redditt.

Murphy.

Woodruff.

Present—Not Voting.

Neal.

Absent.

Blackert.

Woodul.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

The vote was verified.

Adjournment.

On motion of Senator DeBerry the Senate at 6:25 o'clock p. m., adjourned until 8 o'clock p. m. tonight.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

February 24, 1934.

The Senate met at 8 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum was

not present, the following Senators answering to their names:

Blackert.

Parr.

Collie.

Patton.

DeBerry.

Poage.

Greer.

Purl.

Holbrook.

Redditt.

Hornsby.

Regan.

Murphy.

Sanderford.

Neal.

Stone.

Oneal.

Woodruff.

Pace.

Woodul.

Absent.

Cousins.

Moore.

Duggan.

Rawlings.

Hopkins.

Russek.

Martin.

Small.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Senator Poage moved that the Senate adjourn until 10 o'clock Monday morning.

The motion to adjourn was lost by the following vote:

Yeas—5.

DeBerry.

Poage.

Holbrook.

Purl.

Pace.

Nays—15.

Blackert.

Patton.

Collie.

Redditt.

Greer.

Regan.

Hornsby.

Sanderford.

Murphy.

Stone.

Neal.

Woodruff.

Oneal.

Woodul.

Parr.

Absent.

Cousins.

Moore.

Duggan.

Rawlings.

Hopkins.

Russek.

Martin.

Small.

Absent—Excused.

Beck.

Woodward.

Fellbaum.

Senator Stone moved a call of the Senate to secure a quorum.

Senator Hornsby moved as a substitute, a call of the Senate for the purpose of securing a quorum and to disposing of pending business.

The substitute motion prevailed by the following vote: